

(Proceedings commenced at 5:47 p.m.)

THE COURT: -- possible arraignment on the indictment, *United States v. Pietro Polizzi*, Docket Number 06-CR-22.

Counsel?

MR. BODE: Allen Bode, for the government. Good afternoon, Your Honor.

MS. ROSTAL: Jan Rostal, Federal Defender's Office for Mr. Polizzi. Good afternoon.

THE COURT: Good afternoon.

MR. BODE: Judge, as a first order of business, I'm going to hand up the arrest warrant for the defendant.

THE COURT: Thank you.

Ms. Rostal, have you received a copy of the indictment and discussed the 18 counts set forth therein with your client which concern the receipt and possession of images constituting child pornography?

MS. ROSTAL: Yes, Your Honor.

THE COURT: Does your client waive public reading of the charges?

MS. ROSTAL: Yes.

THE COURT: Is he prepared to enter a plea?

MS. ROSTAL: Not guilty at this time.

THE COURT: Okay.

MR. BODE: Your Honor, regarding bail, the

1 government would ask that the defendant be held on permanent
2 order of detention. This is a crime of violence pursuant to
3 Bail Reform Act.

4 It's our position that there is both a serious risk
5 of flight and a serious danger to the community, and that
6 there is no condition or accommodation of conditions that can
7 reasonably assure both the safety of the community,
8 especially children, and the appearance of the defendant.

9 First, Your Honor, as to the danger, the government
10 would note that this is not a case where the defendant simply
11 happened upon a site. He was a paid member of more than one
12 child pornography website. He used credit cards to join
13 these websites. He had a collection of thousands of images
14 of child pornography. Believe it was over a terabyte of
15 images. I'm not sure if that's a hundred gigabytes or a
16 thousand gigabytes, but it's a lot.

17 He confessed to both viewing and downloading child
18 pornography. He showed the agents where the computer
19 equipment was where he kept his child pornography. And as
20 such, we believe he's a danger to the community.

21 As to the risk of flight, the government would note
22 the preceding charge carries a five year mandatory minimum.
23 The guidelines, which albeit advisory, are approximately in
24 the 10 year range, 135 to 168 months.

25 And the defendant, although he's a United States

1 citizen, has substantial ties to Italy. He was born in
2 Italy. He has family, including his parents, who live in
3 Italy. He speaks Italian. So, if he were to flee to Italy,
4 he would have a soft place to land, so to speak.

5 So, it's the government's position that given this
6 combination of facts, the mandatory minimum, the serious
7 nature of this offense and this defendant's ties, that he's
8 both a danger and risk of flight.

9 MS. ROSTAL: Your Honor, I'd ask you to follow the
10 recommendation in the pretrial services report to release Mr.
11 Polizzi on the conditions recommended there. If this is
12 indeed a crime of violence and I'm not sure unless the
13 statute -- maybe I've missed this, but I didn't think it was
14 defined as a crime of violence. I think that --

15 MR. BODE: It's --

16 MS. ROSTAL: -- it could be --

17 THE COURT: It is.

18 MS. ROSTAL: -- that could have changed --

19 THE COURT: It is.

20 MS. ROSTAL: -- and I missed that, but --

21 THE COURT: It is. It is.

22 MS. ROSTAL: -- to the extent that that creates a
23 presumption which is rebuttable, it's easily rebutted here.
24 This is someone who -- I can't imagine any stronger ties to
25 the community than this man has. He obviously has lived here

1 for 39 years.

2 His ties to Italy are no different than ties to --
3 that anybody has who was born in another country. The fact
4 that he has elderly parents there doesn't make it a place
5 where there's a soft landing. It makes it a place that is
6 some kind of ancestral home to him and nothing more.

7 He -- besides that, Italy is a country from which
8 the government could extradite even if that were a risk. He
9 is a business owner and has been, as you can see from the
10 pretrial services report, since -- for 30 years at the same
11 pizzeria, which is a family-owned business. The assets that
12 the family has, which are unencumbered, are quite
13 substantial.

14 He's got five children. Three of them are in the
15 courtroom today, as well as his wife. All of the people here
16 are willing to sign a bond and understand the risk that they
17 would be taking.

18 There's a surety report for two of the sons. One
19 of whom makes a substantial income at a reputable law firm in
20 the city. The other who works in the family pizzeria on the
21 books and also makes an income from that. The third son is
22 employed in the construction business and makes \$32,000 a
23 year.

24 This is a very close family and obviously the home
25 in which the Polizzi's live is the one that would be used to

1 secure the bond.

2 And the medical -- or, mental health evaluation and
3 random home and employment contacts, as well as the
4 restrictions on contact with minors and Internet access are
5 sufficient to address the government's concern about so-
6 called danger to the community, which as --

7 THE COURT: I just --

8 MS. ROSTAL: -- they have --

9 THE COURT: I --

10 MS. ROSTAL: -- articulated it --

11 THE COURT: I agree with you, Ms. Rostal. I just
12 have one question, given his employment --

13 MS. ROSTAL: Uh-huh.

14 THE COURT: -- at a pizzeria, how you propose
15 avoiding contact with minors?

16 MS. ROSTAL: Well, I mean I think what could
17 reasonably be put in place is simply unsupervised contact
18 with minors.

19 If it's in a public place obviously with public
20 coming in and ordering, that wouldn't be unsupervised, there
21 would be other people around and I think that would be a fair
22 -- and there would be also the ability of pretrial services
23 to monitor that with random work site visits.

24 And I don't think there's any suggestion here that
25 there's --

1 THE COURT: Yes.

2 MS. ROSTAL: -- been any contact per se with minors
3 and, you know, another fact that I'm not sure Your Honor is
4 aware of is that Mr. Polizzi self-surrendered today to the
5 FBI.

6 MR. BODE: Well --

7 MS. ROSTAL: This was a --

8 MR. BODE: -- Judge, let me stop Ms. Rostal on
9 that. It -- he was told that he could retrieve his computer
10 equipment. He was led to believe that he was going to get
11 his computer back, so he came to the FBI building. That was
12 done so that he didn't have to be arrested at his home with -
13 - to disturb his wife and his multiple children there. It
14 was done --

15 FEMALE VOICE: No.

16 MR. BODE: -- to get him out of his home so that he
17 could be --

18 FEMALE VOICE: I was there.

19 MS. ROSTAL: But there were -- the computer and all
20 the rest the items were seized two months ago. He was put on
21 notice at that time that this was a possibility, a strong
22 one, and --

23 THE COURT: All right.

24 MS. ROSTAL: -- and if the government felt that he
25 was such a danger, then why wait two months? I don't think

1 that argument should be credited.

2 MR. BODE: I understand Your Honor's ruling. Just
3 to preserve the record, I would just note that in these cases
4 that it's traditional that we -- a forensic analysis has to
5 be done. Even though the defendant confesses, you can't
6 arrest someone just based on a confession, as the Second
7 Circuit recently noted in the case of the doctor who was
8 traveling to Honduras.

9 I would just ask, Your Honor, although Your Honor
10 has indicated you're going to release the defendant, that it
11 be in addition to his home that his rental properties as well
12 be put up as surety --

13 FEMALE VOICE: (Indiscernible) --

14 MR. BODE: -- and that regarding the pizzeria, I
15 just note it is a type of location where there are likely to
16 be minors who aren't supervised by parents --

17 FEMALE VOICE: (Indiscernible) --

18 MR. BODE: -- which is --

19 THE COURT: Wait, wait, wait, stop. I -- look, I
20 think -- as I was hearing Ms. Rostal talk, I think that it --
21 really the rule is that he cannot be allowed in any room with
22 a minor at work and he's just to avoid all contact with
23 minors outside of his employment. Does --

24 MS. ROSTAL: Well, he has a --

25 THE COURT: Do any of his sons have --

1 MS. ROSTAL: -- 17 year old child. Obviously,
2 that's --

3 THE COURT: Okay, well, that's --

4 MS. ROSTAL: -- different.

5 THE COURT: -- that's different, but do any of his
6 children have children?

7 MR. BODE: He indicated on the day of his search he
8 had a niece, Your Honor. So we --

9 FEMALE VOICE: No.

10 MR. BODE: -- just asked --

11 FEMALE VOICE: Let me get up. You --

12 THE COURT: Stop. Stop.

13 FEMALE VOICE: He lie.

14 THE COURT: Anyway, so he's to avoid all contact
15 with minors, except I'll permit him to work and at work, the
16 -- he is not --

17 FEMALE VOICE: I want to (indiscernible) --

18 THE COURT: -- to be alone in any room with any
19 minor.

20 FEMALE VOICE: This is legal?

21 THE COURT: So, there should be -- or, more
22 accurately should -- there should be another adult with him
23 at all times where there are minors present at his place of
24 employment.

25 MR. BODE: Regarding the issue of security, Your

1 Honor --

2 THE COURT: Yes, I agree that all the properties
3 should be posted.

4 (Pause.)

5 MR. BODE: Judge, Ms. Rostal and I were discussing
6 and it's the government's position and we would ask that the
7 confessions of judgement be obtained prior to the defendant's
8 release and even more important than that, the defendant's
9 passport be surrendered prior to his release.

10 I don't believe they have the passport here today,
11 but that is what the government --

12 MS. ROSTAL: Judge, there's no basis for that. I
13 would ask you to consider releasing him -- to release him
14 tonight. He can file the confessional --

15 MR. BODE: Well --

16 MS. ROSTAL: -- judgement --

17 MR. BODE: What --

18 THE COURT: I --

19 MS. ROSTAL: -- Monday.

20 MR. BODE: What I would say --

21 THE COURT: I --

22 MR. BODE: -- Your Honor, as my basis, if I might,
23 the forfeiture section for property for a crime such as this
24 doesn't necessarily cover substantive assets. So if some
25 person were to liquidate properties, et cetera, the

1 government would have no recourse.

2 In addition, without the defendant's passport, you
3 know, we do believe he's a serious risk of flight and more of
4 a risk of flight with his passport than without.

5 THE COURT: There certainly is a risk of flight I
6 think in this kind of case and in fact, the majority of the
7 defendants who have family do get released based on the
8 signatures of the family members. I -- what I -- I'll
9 require that the passport be surrendered on Monday and he is
10 to remain at home.

11 Can pretrial just make random phone calls over the
12 weekend or is too late to arrange for that?

13 FEMALE VOICE: It's probably too late to arrange
14 that. You want (indiscernible) --

15 THE COURT: Yes.

16 MS. ROSTAL: I could do it, Your Honor.

17 THE COURT: Thank you.

18 MS. ROSTAL: Uh-huh.

19 Can we get the telephone number? The --

20 MALE VOICE: (Indiscernible) --

21 MS. ROSTAL: -- of the residence.

22 MALE VOICE: 718-628 --

23 MS. ROSTAL: 718-648 --

24 MALE VOICE: No, 628.

25 MS. ROSTAL: -- 628 --

1 MALE VOICE: 97 --

2 MS. ROSTAL: -- 97 --

3 MALE VOICE: -- 33.

4 MS. ROSTAL: -- 33.

5 (Pause.)

6 MR. BODE: Judge, in addition, although given Mr.
7 Polizzi's finances, it appears he should retain his own
8 attorney, I would believe.

9 However, I'll -- Judge Weinstein's clerk indicated
10 they would like us to appear for initial appearance within 10
11 days. They indicated preferably not on a Friday at 10:00
12 a.m., so I'll just ask Ms. Rostal for -- just until there's
13 new counsel, I'll --

14 THE COURT: Sure. It'll be set for February 2nd.
15 I guess that's -- which is the Friday.

16 Isn't that the Friday?

17 MR. BODE: Yes, it can be any time within --

18 FEMALE VOICE: That's Thursday.

19 THE COURT: Does he -- or, any day of the week?

20 MR. BODE: He said --

21 FEMALE VOICE: Any day --

22 MR. BODE: -- any day of the week --

23 FEMALE VOICE: -- within 10 days.

24 MR. BODE -- before, as long as it's within 10 days
25 they prefer.

1 THE COURT: Okay, fine.

2 MR. BODE: So, we've actually agreed, Your Honor,
3 subject to the Court's approval, the 25th at 10:00 a.m.;
4 January 25th.

5 THE COURT: That's fine.

6 MR. BODE: Yes, okay.

7 (Pause.)

8 THE COURT: Is there any reason for him to travel
9 outside of New York City and Long Island?

10 (Pause.)

11 MS. ROSTAL: No, Your Honor.

12 THE COURT: Okay.

13 Given the assets he has, I'm going to set the bond
14 at \$500,000.

15 And the confessions of judgement will be placed --
16 will be filed within a week?

17 MR. BODE: The confessions of judgement, Your
18 Honor?

19 THE COURT: Yes.

20 (Pause.)

21 THE COURT: What cities are these properties in?
22 Knickerbocker Avenue?

23 THE DEFENDANT: Yes.

24 THE COURT: Where is that?

25 THE DEFENDANT: In Brooklyn.

1 THE COURT: In Brooklyn, and the -- Brooklyn, too?
2 And Cypress in Queens or Cypress --

3 THE COURT: No, it's in Ridgewood, New York.

4 THE COURT: Ridgewood.

5 MR. BODE: And, Your Honor, Ms. Rostal indicated
6 that one of the properties defendant's wife is also on.

7 THE COURT: Okay.

8 MS. ROSTAL: At least one.

9 THE COURT: Well, she's --

10 MR. BODE: Or at least --

11 MS. ROSTAL: But she's signing, so --

12 THE COURT: She's going to --

13 MR. BODE: Okay.

14 THE COURT: -- sign anyway, so --

15 (Pause.)

16 THE COURT: Does he own the house that he lives in?

17 MS. ROSTAL: Yes.

18 THE COURT: That's the Glendale? You --

19 THE DEFENDANT: Yes, Glendale.

20 THE COURT: Okay.

21 (Pause.)

22 THE COURT: All right. Why don't you have the
23 sureties come up.

24 (Pause.)

25 THE CLERK: Please raise your right hands.

1 (The witnesses are sworn.)

2 THE CLERK: Please state your names.

3 THE DEFENDANT: Pietro Polizzi.

4 MR. SALVATORE POLIZZI: Salvatore Polizzi.

5 MS. POLIZZI: Anna Polizzi.

6 THE COURT: Agnus?

7 MS. POLIZZI: Anna Polizzi.

8 THE COURT: I'm sorry.

9 MALE VOICE: Anna. Anna.

10 THE COURT: Anna, okay. Anna. Salvatore?

11 MR. SALVATORE POLIZZI: Yes.

12 THE COURT: Now, as you know, Pietro Polizzi was
13 arrested on very serious charges relating to the receipt and
14 possession of child pornography and he'll be released from
15 custody if you'll agree to sign a bond for \$500,000 to
16 guarantee his appearance in court.

17 As you may have heard the assistant say that one of
18 the charges carries with it a mandatory minimum sentence of
19 five years. So, there -- he does have a lot of incentive to
20 flee and not face the charges and certainly the other charges
21 could result.

22 MS. POLIZZI: Five years in jail?

23 THE COURT: A minimum.

24 He'll be released from custody if you agree to
25 cosign this bond for \$500,000. And I understand that you are

1 -- Mrs. Polizzi, you are co-owners of certain of the
2 properties to be posted as collateral, but liens are to be
3 placed on properties at 443 Knickerbocker Avenue in Brooklyn,
4 your home at 5706 Clover Place in Glendale, property on Grand
5 View Avenue in Brooklyn, as well as on Cypress Avenue in
6 Ridgewood.

7 Now, if you sign the bond and Mr. Polizzi
8 fails to appear, you will all owe the government \$500,000.
9 Your obligations are joint and several. That means the
10 government can collect from just one of you or from all of
11 you. And it can choose to do so by utilizing any method it
12 wants. It can choose to forfeit the properties, to collect
13 your bank accounts, to garnish your income and to keep doing
14 so until every cent is collected.

15 And as you probably know, most properties that are
16 forfeited rarely sell for close to the market value, so by
17 signing the bond, you are risking -- you're placing your
18 assets at risk, as well as risking any future income you may
19 have.

20 Do you understand?

21 MALE VOICE: Yes.

22 THE COURT: Do you have any questions about your
23 obligation?

24 MALE VOICE: No.

25 MS. POLIZZI: About what?

1 THE COURT: Obligations under the bond?

2 MS. POLIZZI: Why?

3 THE COURT: Are you all willing to sign this bond?

4 THE DEFENDANT: Yes.

5 MR. SALVATORE POLIZZI: Yes.

6 THE COURT: I guess, Mrs. Polizzi, you will sign a
7 confession of judgement to have liens posed on the properties
8 that you have an interest in? Yes?

9 MS. POLIZZI: (No audible response.)

10 THE COURT: Mr. Polizzi, I'm going to go over the
11 conditions of release in just one minute. I'm going to ask
12 the sureties now to cosign the bond.

13 (Pause.)

14 THE COURT: You all reside at Clover Place, right?

15 THE DEFENDANT: No.

16 MR. SALVATORE POLIZZI: No.

17 MS. POLIZZI: No.

18 THE COURT: Who --

19 MR. SALVATORE POLIZZI: I reside in Astoria.

20 THE COURT: You are --

21 MR. SALVATORE POLIZZI: Salvatore.

22 THE COURT: Salvatore, okay.

23 MR. SALVATORE POLIZZI: Yes.

24 THE COURT: I'll give this bond to you. It sets
25 forth the conditions of the bond. Some of the terms are on

1 the back of half of the bond.

2 Mr. Salvatore Polizzi, sign by the X above your
3 printed name and then if you could put your address next to
4 it (indiscernible/background cough)--

5 MS. POLIZZI: Can I just sign?

6 MALE VOICE: Shh.

7 MS. POLIZZI: No, I speak. Can I just sign?

8 THE COURT: Yes. You will all sign --

9 MS. POLIZZI: No, I don't want them to sign. I
10 respond for my husband.

11 MALE VOICE: (Indiscernible) --

12 MS. POLIZZI: No, I -- no, I speak --

13 MALE VOICE: Shh.

14 THE COURT: Mrs. Polizzi --

15 MALE VOICE: (Indiscernible) --

16 THE COURT: Mrs. Polizzi --

17 FEMALE VOICE: Wait.

18 THE COURT: -- you will all sign the bond as --
19 that's the condition of release and I'm going to go over the
20 other conditions of release. I'm going to ask Lakeesha
21 (phonetic) to give you the form bond so you can just read the
22 terms and -- which are on the bottom half of the first page
23 and then on top half of the back. Okay.

24 Let me just go over the conditions of release, Mr.
25 Polizzi. It's important you comply with them. If you fail

1 to do so, the government could come back to court and seek to
2 have you detained.

3 Now the most important condition is that you come
4 back to court whenever required. And your family is
5 cosigning a bond for \$500,000. If you don't appear, you're
6 going to cause them great financial hardship. They're --
7 probably lose their homes and some other properties and may
8 be subject to the collection efforts of the government.

9 More importantly, if you don't appear, the Court
10 will issue a warrant for your arrest. Failing to appear in
11 court is a serious matter and you could be prosecuted for
12 failing to appear. If convicted, you would be subject to
13 criminal penalties, including imprisonment and a fine in
14 addition to whatever penalties could be imposed on the
15 charges that led to your arrest in the first place.

16 Your travel will be restricted to New York City and
17 Long Island. You are not to have any contact with any
18 minors, except with your son and at work provided that
19 there's another adult present at all times when there are
20 minors present.

21 THE DEFENDANT: May I ask a question?

22 THE COURT: Yes.

23 THE DEFENDANT: My other place I have nine
24 employees working for me. So --

25 THE COURT: Well, that's fine. That's fine, but I

1 -- if it just turns out that you're the only person in a room
2 serving you're going to make sure someone else is with you.

3 You're to surrender your passport by Monday. You
4 are subject to random visits at your home and place of work
5 at pretrial.

6 And until you surrender the passport, random phone
7 calls to -- you're to report as directed by pretrial
8 services. You will have to undergo evaluation and treatment
9 for your mental health condition and you are not to have any
10 access to the Internet. And you must surrender all firearms
11 you posses to the local police.

12 The last condition is that you not commit any other
13 crime while on release. And I'm advising that if you tamper
14 with evidence, intimidate witnesses or otherwise obstruct an
15 investigation, those are federal crimes and you could be
16 subject to greater penalties than could ordinarily be imposed
17 if you commit those crimes while on release.

18 Do you understand?

19 THE DEFENDANT: (No audible response.)

20 THE COURT: And Mr. and Mrs. Polizzi, you're going
21 to have to cooperate with your attorney and ensure that
22 appropriate documents are filed so that liens can be placed
23 on the four properties that you own. You understand?

24 MR. SALVATORE POLIZZI: (No audible response.)

25 MS. POLIZZI: (No audible response.)

1 (Pause.)

2 THE COURT: Do you understand the bond that you've
3 signed?

4 MR. SALVATORE POLIZZI: Yes

5 MS. POLIZZI: Yes.

6 THE COURT: Okay.

7 So, as you've heard, Mr. Polizzi, the next
8 conference before Judge Weinstein will be on January 25th at
9 10:00.

10 THE DEFENDANT: Okay.

11 THE COURT: All right.

12 MS. POLIZZI: Thank you.

13 MALE VOICE: Thank you.

14 FEMALE VOICE: Your Honor, may I take the --

15 (Recess 6:18 p.m. to 6:19 p.m.)

16 MS. POLIZZI: What?

17 MALE VOICE: Sure. Just for -- to humor you.

18 MS. POLIZZI: I don't understand. You want to
19 explain to me --

20 THE COURT: No, I don't.

21 MALE VOICE: No, no. no.

22 THE COURT: We're not going to -- I'm -- I don't --

23 MALE VOICE: Judge --

24 MS. POLIZZI: No, are you --

25 THE COURT: I don't think it's necessary to -- you

1 know, if you want an exclusion of time, it makes sense to
2 make an application for an exclusion of a longer period of
3 time. I don't --

4 MR. BODE: Well, given that we haven't had a chance
5 to -- you know, Ms. Rostal's not going to be the attorney.
6 We haven't had a chance to -- can't really start plea
7 negotiations until we know who the attorney's going to be.

8 THE COURT: Actually, I haven't -- is legal aid of
9 the opinion that he doesn't have sufficient income?

10 FEMALE VOICE: I haven't even --

11 THE COURT: I mean he does have the assets.

12 FEMALE VOICE: I haven't seen the financial
13 affidavit, so I don't know. I don't take any position on
14 that. Does Your Honor --

15 THE COURT: It's always a difficult situation where
16 there are more assets than income. I think it may be
17 appropriate to revisit this issue should we liquidate any of
18 his assets, but the income is not --

19 MR. BODE: We can do that. I was just looking in
20 terms of the -- I think it indicates \$6,000 a month --

21 THE COURT: Six thousand? I thought it was 3,000?

22 MR. BODE: Well, it was 3,000 from the pizzeria and
23 I think 3,000 from rental properties. On the cover, it
24 indicates --

25 THE COURT: Okay.

1 MR. BODE: -- monthly income, 6,000.

2 THE COURT: Okay.

3 MS. ROSTAL: But there's also --

4 MR. BODE: So --

5 MS. ROSTAL: -- liabilities of --

6 MR. BODE: Liabilities --

7 MS. ROSTAL: -- 5,000 a month.

8 MR. BODE: -- too, but I just wanted to raise that
9 issue given that that was -- seemed to be a --

10 THE COURT: I --

11 MR. BODE: And a \$40,000 in a checking account. I
12 would tend to think --

13 THE COURT: It probably does make sense to revisit
14 this issue and see if retained counsel can be obtained, but I
15 -- I'll permit Miss -- it's a borderline -- his wife doesn't
16 work?

17 MR. BODE: I believe that's correct.

18 THE COURT: Yes. So it's certainly more
19 financially solvent than most legal aid clients by --

20 MS. ROSTAL: So, we'll --

21 THE COURT: I --

22 MS. ROSTAL: We're assigned in --

23 THE COURT: Well, I think that under the
24 circumstances maybe it does make sense to exclude time.

25 I'm going to ask you to go look for counsel, Mr.

1 Polizzi.

2 THE DEFENDANT: Excuse me?

3 THE COURT: You are to go and look for your own
4 attorney, but Miss Rostal will represent you until such time
5 as you're finding counsel. So I will exclude the time. It
6 is advisable that you find new counsel by the next conference
7 on the 25th.

8 Maybe it makes sense to just delay it a --

9 MR. BODE: And if he doesn't have counsel by then,
10 we could -- the judge -- Judge Weinstein's clerk indicated 10
11 days so we could put the status date the next week to give
12 him more time get counsel.

13 THE COURT: Why don't we put it over to the
14 following week and then we can -- and I will exclude time.

15 (Pause/counsel confer.)

16 MR. BODE: The 31st at 10:00 a.m., Your Honor. And
17 I'll call Judge Weinstein's clerk on Monday.

18 THE COURT: So I'll exclude the time from today
19 until the 31st of -- from the time period within which trial
20 must commence because it's to enable the defendant to obtain
21 his own attorney in this matter.

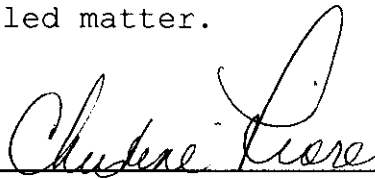
22 MR. BODE: Thank you, Your Honor.

23 MS. ROSTAL: Thank you, Your Honor.

24 (Proceedings concluded 6:23 p.m.)

25 I, CHRISTINE FIORE, court-approved transcriber, certify

1 that the foregoing is a correct transcript from the official
2 electronic sound recording of the proceedings in the above-
3 entitled matter.

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May 15, 2006

6 Christine Fiore
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